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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,794	04/10/2001	Nicolas Regent	FR 000036	1894

24737 7590 02/03/2004

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EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,794

Applicant(s)

REGENT, NICOLAS

Examiner

Raymond S Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 7 and 8 are objected to because of the following informalities: both Claims 7 and 8 disclose a dependency on a method of Claims 4 and 5 respectively but Claims 4 and 5 both disclose a device. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 3 and 5 - 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Cragun (US 6,615,033 B1).

Regarding Claim 1, Oda teaches a communication device equipped with an automatic operation-keeping system, comprising: - a main power source (Figure 1, Column 3 lines 12 - 14), - a processing unit supplied with power by the main power source (Figure 1, line 16), - a clock associated to an auxiliary power source, to produce a current time (Figure 1, lines 14 - 16).

Oda does not specifically teach a means for starting the device at a programmable start time and a means for automatically and periodically updating a start

time after said current time, the electric power supply of the updating means being ensured solely by the main power source.

Cragun teaches a means for starting the device at a programmable start time (Column 3 lines 22 – 29, Column 5 lines 32 – 38) and a means for automatically and periodically updating a start time after said current time (Column 5 lines 65 – 67, Column 6 lines 1 – 10, the start time is updated by the micro-processor, said micro-processor also checks to see if the active or start time is greater or after the current time which means that the active or start time can come after the current time), the electric power supply of the updating means being ensured solely by the main power source (Column 3 lines 48 – 62).

Oda and Cragun both teach portable communication devices with power management means thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the programmable starting and updating means disclosed above in Cragun in the portable phone of Oda such that said portable phone would be able to effectively and economically operate with reduced power consumption.

Regarding Claim 2, Oda in view of Cragun teaches all of the claimed limitations recited in Claim 1. Cragun further teaches a processing unit that comprises the automatic updating means for updating the start time (Column 5 lines 65 – 67, Column 6 lines 1 – 3, the start time is updated).

Regarding Claim 3, Oda in view of Cragun teaches all of the claimed limitations recited in Claim 1. Cragun further teaches a register for storing start times (Column 3 lines 57 – 59, the memory has registers that store data used by the micro-processor),

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updated by automatic updating means to a time D , so that $D = t + N$, where N is a time value higher than or equal to a start interval and where t is the current time (Column 3 lines 22 – 29, Column 4 lines 16 – 18, Column 5 lines 32 – 38, Column 5 lines 65 – 67, Column 6 lines 1 – 10, the start time is updated by the micro-processor, said micro-processor also checks to see if the active or start time is greater or after the current time which means that the active or start time can come after the current time, in order for said active or start time to come after current time there must be a time increment added to said current time thus this is an inherent characteristic).

Regarding Claim 5, Oda in view of Cragun teaches all of the claimed limitations recited in Claim 1. Oda further teaches a device that is a portable telephone (Figure 1, Column 3 lines 8 – 10).

Regarding Claim 6, Oda teaches a method of keeping a communication device in operation after it has been stopped accidentally, in which when the communication device is in operation and in which when the communication device is stopped by accident (Column 3 lines 32 – 66, teaches the resumption of the operation after communication device has experienced a temporary loss of power).

Oda does not specifically teach an automatic programmable start time that is regularly updated to come after a current time and a new start is automatically made the moment when a current time established by a permanent clock coincides with the previously updated start time.

Cragun teaches an automatic programmable start time that is regularly updated to come after a current time and a new start is automatically made the moment when a

current time established by a permanent clock coincides with the previously updated start time (Column 3 lines 22 – 29, Column 4 lines 16 – 18, Column 5 lines 32 – 38, Column 5 lines 65 – 67, Column 6 lines 1 – 10, the start time is updated by the micro-processor, said micro-processor also checks to see if the active or start time is greater or after the current time which means that the active or start time can come after the current time, when said active or start time coincides with the internal clock of the micro-processor the radio starts or becomes active).

Oda and Cragun both teach portable communication devices with power management means thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the programmable starting means disclosed above in Cragun in the portable phone of Oda such that said portable phone would be able to effectively and economically operate with reduced power consumption.

Examiner assumes Claims 7 and 8 depend on Claim 6. Oda in view of Cragun teaches all of the claimed limitations recited in Claim 6.

Regarding Claim 7, Cragun further teaches a start time that is updated by adding a time increment to the current time (Column 3 lines 22 – 29, Column 4 lines 16 – 18, Column 5 lines 32 – 38, Column 5 lines 65 – 67, Column 6 lines 1 – 10, the start time is updated by the micro-processor, said micro-processor also checks to see if the active or start time is greater or after the current time which means that the active or start time can come after the current time, in order for said active or start time to come after current time there must be a time increment added to said current time thus this is an inherent characteristic).

Regarding Claim 8, Cragun further teaches a start time that is updated with a shorter interval than a value of the time increment (Column 3 lines 22 – 29, Column 4 lines 16 – 18, Column 5 lines 32 – 38, Column 5 lines 65 – 67, Column 6 lines 1 – 10, the start time is updated by the micro-processor, said micro-processor also checks to see if the active or start time is greater or after the current time which means that the active or start time can come after the current time, in order for said active or start time to come after current time there must be a time increment of any size added to said current time thus this is an inherent characteristic).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Cragun (US 6,615,033 B1) and in further view of Terashima et al. (5,898,930).

Regarding Claim 4, Oda in view of Cragun teaches all of the claimed limitations recited in Claim 1. Oda in view of Cragun teaches an auxiliary power source (Figure 1, Column 3 line 15). Oda in view of Cragun does not specifically teach an auxiliary power source that comprises an electric capacitance.

Terashima teaches an electric capacitance (Figure 1, Column 3 line 25).

Oda in view of Cragun and Terashima both teach the method of restoring the pre- power loss condition of a portable communication device thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the capacitor taught in Terashima in the portable telephone of Oda in view of Cragun such

that there would be a storage of electrical energy thus allowing said portable telephone to resume its pre-power loss condition.

Conclusion

5. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

A handwritten signature in black ink, appearing to read "Mark Corser", followed by a large, stylized circular flourish.